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ABSTRACT

The Legal Services Corporation, established in 1974, is the primary provider of funds for free civil legal services for the poor. Substantial sums for such services are also available from other Federal, State, and local sources and are administered by Corporation and non-Corporation providers. Some Corporation grantees are not aware, however, of other providers and resources available in the service area. Coordination among providers of legal services, efforts by Corporation grantees to establish service priorities based on local needs, and grantee legal education and outreach activities have been limited. In order to improve this situation, the Corporation should increase coordination activities at the national and local levels and make sure that its grantees periodically assess community needs and improve legal education and outreach efforts. This document discusses the activities of the Legal Services Corporation and its grantees. (Author/EB)

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ED166346

FEB 15 1979

BY THE COMPTROLLER GENERAL

Report To The Congress

OF THE UNITED STATES

Free Legal Services For The Poor-- Increased Coordination, Community Legal Education, And Outreach Needed

The Legal Services Corporation is the primary provider of funds for free civil legal services for the poor. Substantial funds for such services are also available from other Federal, State, and local sources and are administered by Corporation and non-Corporation providers.

Coordination among providers of legal services, efforts by Corporation grantees to establish service priorities based on local needs, and grantee legal education and outreach activities have been limited.

The Corporation should

--increase coordination activities at the national and local levels and

--make sure that its grantees periodically assess community needs and improve legal education and outreach efforts.

The Legal Services Corporation agreed with GAO's recommendations and indicated it was working as rapidly as possible to carry them out.

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-130515(6)

To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the activities of the Legal Services Corporation and its grantees in providing free civil legal services to the poor. Because of the Corporation's rapidly increasing budgets and the support available from other sources for legal services to the poor, we reviewed coordination among providers, extent to which services provided reflect local needs, and community legal education and outreach efforts. The report makes recommendations to the Corporation for improving these efforts.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget, and the President, Legal Services Corporation.

Comptroller General
of the United States

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

FREE LEGAL SERVICES FOR THE POOR--INCREASED COORDINATION, COMMUNITY LEGAL EDUCATION, AND OUTREACH NEEDED

D I G E S T

The Legal Services Corporation, the primary source of financial support for free civil legal assistance to the poor, currently funds over 300 legal services projects nationwide.

The Corporation's appropriations have increased from $92 million for fiscal year 1976 to $270 million for fiscal year 1979. GAO estimates that during 1977 approximately $76 million in resources was also available annually for free civil legal services to the poor from other Federal, State, and local resource providers. Administration of the non-Corporation resources was divided almost equally between Corporation and non-Corporation legal services organizations.

COORDINATING RESOURCES FOR CIVIL LEGAL SERVICES

Substantial funds and other resources exist for free legal services to the poor from Federal, State, and local sources in addition to those provided by the Legal Services Corporation. Although the Corporation has entered into a cooperative agreement with the Administration on Aging to increase the delivery of services to the elderly, it relies principally on local projects' initiative to identify and coordinate their activities with over 20 other major categorical Federal and non-Federal resource providers.

These projects secured $40.3 million in 1977 from these providers for direct administration by the projects. In

addition, $35.7 million in non-Corporation resources was available during 1977 that was not administered by Corporation grantees. About $856,000--or about 1 percent of total funding from non-Corporation providers--constituted direct-funding support from bar associations to projects. Projects estimated that an additional $2.2 million in services was received from the bar, including attorney and paralegal support. Local project officials indicated that they have generally met with limited success in their efforts to obtain support from bar associations and private attorneys.

Some Corporation grantees were not aware of other providers and resources available in the service area. Improved coordination is needed--particularly where projects are overburdened with requests for services--to make sure that maximum use of all potential resources and efficient and effective delivery of free legal services are reaching those in need.

IDENTIFYING LEGAL SERVICE NEEDS IN THE COMMUNITY

The Corporation requires its grantees to establish service priorities and to obtain the views of the client community in the priority-setting process. The methods of determining the legal needs of the poor in the area served and the degree of client community involvement in the process are determined by individual grantees.

GAO sent questionnaires to all known legal services providers in the Nation. Of the 249 Corporation grantees responding to the questionnaire, 45 had conducted or obtained local legal needs assessments for the purpose of establishing service priorities. Other

grantees had developed priorities without structured needs assessment processes based on past demand and perceived needs of the community or had not developed priorities and accepted clients primarily on a first-come-first-served basis.

GAO contacted questionnaire respondents that had performed assessments and found that methods used to perform needs assessments varied in scope and sophistication. Among the approaches employed were

--interviewing random samples of all eligible low-income families in major urban or rural population centers as a basis for needs assessments studies performed by the grantee or local bar association;

--holding community meetings with eligible clients throughout a State to identify local needs which are presented at an annual meeting of the project for setting priorities; and

--sending inquiry letters on needs to local social service organizations, client groups, bar associations, and numerous other local organizations and conducting a limited questionnaire survey of prospective clients' legal needs in an urban population center.

The reasons cited by the Corporation for not periodically assessing the local legal needs of the poor were insufficient time or resources. Most social service agencies contacted in the communities visited were willing to assist grantees in performing needs assessments.

Periodic local needs assessments by all Corporation grantees would help assure that project priorities and resources are directed to the most prevalent legal problems in th community.

COMMUNITY LEGAL EDUCATION AND OUTREACH

Community legal education and outreach by Corporation projects are essential to assure an awareness of available legal services by all who are eligible and to provide functional knowledge on the ways such services can or cannot be used. The Corporation became concerned that few of its 300 projects had found the time or resources to conduct legal education or outreach efforts, and initiated a survey to determine what projects were doing.

About 30 projects responded describing ongoing or recent community legal education programs funded from both Corporation and non-Corporation resources. Twenty other projects indicated they were in the process of initiating new community legal education programs. Almost all projects responding to the survey indicated increased community legal education efforts were needed but that limited resources prevented adequate expansion.

The responses indicated a number of innovative approaches being employed that would expand community knowledge of legal services. Some methods were being used to reduce the demands on project attorneys' time by providing clients with direct legal information services through telephone law libraries and other educational media, such as television, education programs in the schools, pamphlets, and lectures.

To expand the knowledge of effective community legal education techniques to other projects, the Corporation conducted a training session to apprise local projects of the methods. Initially, 60 projects expressed an interest in community education and 48 were chosen to participate in the Corporation's first course in June 1978. The Corporation plans additional community legal education activities as interest and need are indicated.

Of the nine grantees in GAO's review, seven engaged in limited or no community legal education and outreach programs. Reasons cited for the limited efforts included lack of staffing and resources and concerns with the impact of increased awareness.

GAO interviewed at random 1,260 eligible poor persons at welfare, community action, and other social services agencies in communities served by the grantees. About 60 percent of the persons interviewed were not aware that free legal services were available, and only about half of those who were aware that providers existed knew the types of services offered. Many who were unaware of the providers in the community had problems that could have been addressed by legal services programs.

To alleviate imbalances in awareness and insure equal access to legal services for the poor, increased community education and outreach efforts are needed. Improved community education efforts could enable the poor to resolve some potential legal problems without the services of an attorney, thereby enabling projects to deal with more complex problems and expand outreach efforts by Corporation projects.

RECOMMENDATIONS

GAO recommends that the president of the Legal Services Corporation:

--Explore the potential for obtaining other national coordination agreements with Federal and non-Federal funding sources by using the experience gained through the cooperative arrangement with the Administration on Aging. (See p. 12.)

--Provide guidance to grantees for identifying and determining the nature of nonproject resources for civil legal services in their communities and for coordinating project efforts with other providers. (See p. 12.)

Tear Sheet

--Encourage grantees to seek support from local bar associations, law schools, and other potential resource providers that could expand available services to the community. (See p. 12.)

--Disseminate information to grantees regarding innovative approaches to assessing local legal needs. (See p. 17.)

--Provide guidance to grantees for performing periodic needs assessments that include participation of the poor in the community using methods compatible with grantee operating characteristics. (See p. 17.)

--Encourage grantees to seek assistance from social service agencies in assessing local needs. (See p. 17.)

--Expand training sessions on community legal education and require grantees to submit plans for addressing community education with their budget submissions. (See p. 22.)

--Provide individual projects with needed technical assistance in developing community legal education programs that are suitable to the client community they serve. (See p. 23.)

CORPORATION COMMENTS

The Legal Services Corporation agreed with GAO's recommendations and indicated it was working as rapidly as possible to carry them out.

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ABBREVIATIONS

ABA	American Bar Association
AOA	Administration on Aging
GAO	General Accounting Office
LSC	Legal Services Corporation

CHAPTER 1

INTRODUCTION

The Legal Services Corporation Act of 1974 (Public Law 93-355, July 25, 1974), as amended, created the Legal Services Corporation as a private, nonmembership, nonprofit corporation to provide financial support for civil legal assistance to persons unable to afford such services. The act authorizes the Corporation to make grants or contracts to provide financial assistance to qualified programs furnishing legal assistance to eligible persons, and requires it to establish maximum income eligibility levels in consultation with the Office of Management and Budget and the States. The act also requires the Corporation to ensure that grantees establish priorities for providing services that consider the relative needs of persons unable to afford legal assistance, and that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to those in both urban and rural areas.

The Corporation currently funds over 300 legal services projects nationwide. The projects are staffed by over 3,700 attorneys and 1,600 paralegals who work to provide the poor with access to the Nation's legal system and who handle an estimated 1.2 million legal problems annually.

The Corporation's appropriations have increased from $92 million for fiscal year 1976 to $270 million for fiscal year 1979. In addition, resources are available from other Federal, State, and local sources for free civil legal services to the poor.

Because of the Corporation's increasing budgets and the support available from non-Corporation sources for free legal services to the poor, our objectives were to identify the resources available nationally from all sources for free civil legal services and assess the

--coordination among the providers,

--extent to which services provided reflect local community needs, and

--adequacy of grantee community legal education and outreach services.

DEVELOPMENT OF THE LEGAL SERVICES PROGRAM

Federal support for free civil legal services to the poor began in 1965 through a program established in the Office of Economic Opportunity under the Economic Opportunity Act of 1964 (Public Law 88-452, Aug. 20, 1964), as amended. Prior to 1965, free civil legal services to low-income persons were provided through volunteer efforts of private attorneys and through privately funded legal aid societies.

The Office of Economic Opportunity operated the Legal Services Program until January 1975 when responsibility was transferred to the Community Services Administration pending creation of the new Corporation. The Corporation assumed control and funding of the program in October 1975, when there were 258 legal services programs operated by grantees in 638 offices located in the 50 States, Puerto Rico, Micronesia, and the Virgin Islands.

Corporation grantees are governed by local boards of directors which include private attorneys and representatives from the poor community. The programs employ lawyers and staff who provide legal advice and representation to those who qualify. The Corporation prescribes maximum income eligibility levels within which each program must set its own standards recognizing living costs and other local factors. While family income is the primary consideration when determining eligibility for free legal services, other circumstances which may affect a person's ability to pay, such as medical and child care expenses, may also be considered.

The Corporation's Office of Field Services manages the grants to local legal services programs and contracts with 13 support centers which provide specialized assistance to project attorneys in representing clients. The Office, assisted by the nine regional offices, is responsible for reviewing and approving grant applications, supervising grant processing, providing management assistance, and monitoring the performance of the programs. Each regional office is responsible for evaluating the programs in its region four times annually.

Although most Corporation-funded programs provide general civil legal assistance to the poor, some emphasize

such areas as consumer affairs, law for the elderly, government benefits, housing, and family law, while others specialize in serving migrant workers or Native Americans. The Corporation found that of the matters handled by programs in 1977, about 14 percent dealt with consumer problems, 18 percent with housing, 19 percent with administrative benefits, 31 percent with family law, and 18 percent with various other types of legal problems.

The Legal Services Program administered by the Office of Economic Opportunity was the subject of two of our prior reports issued in August 1969 and March 1973 which discussed the management and administration of the program and recommended actions to improve its effectiveness. We also recently issued a report to the Chairman of the Senate Appropriations Subcommittee on State, Justice, Commerce, and the Judiciary which discusses the Corporation's system for managing expanded resources, its budget development process, and its efforts to identify more efficient and effective systems for delivering legal services to the poor. 1/ We recommended that the Corporation place priority on developing and implementing project management systems needed to provide information necessary to develop more effective budgets and to evaluate local legal services efforts.

SCOPE OF REVIEW

Our review was conducted at 9 Corporation grantees and 58 non-Corporation-funded legal services providers in 26 communities located in 5 States. We reviewed records and interviewed officials of the providers to determine the availability of civil legal resources for the poor and the nature of coordination, community education, and outreach activities.

To estimate the non-Corporation resources available nationally for civil legal services to the poor (see app. I) and determine the nature and extent of services

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1/"Effectiveness and Administration of the Legal Services Program Under Title II of the Economic Opportunity Act of 1964," (B-130515, Aug. 7, 1969). "The Legal Services Program--Accomplishments of and Problems Faced by its Grantees," (B-130515, Mar. 21, 1973). "Expanding Budget Requests for Civil Legal Needs of the Poor--Is More Control for Effective Services Required?" (B-130515(6), Apr. 26, 1978).

provided, we sent questionnaires to all identifiable providers. The questionnaires were mailed in March 1977 to 278 Corporation-funded providers and 323 non-Corporation-funded providers identified with the assistance of the Corporation, the National Legal Aid and Defender Association, the American Bar Association (ABA), and the National Clients Council. Ninety percent of the Corporation grantees and 62 percent of the other providers responded by July 1977. Information requested included staffing data, clients served, nature and extent of caseloads, and identification of all available resources. The questionnaire responses are summarized in appendix II.

In the 26 communities visited, we interviewed judges, local bar association members, county board supervisors, representatives of law schools and related clinics, and various other community leaders to obtain views on the activities and impact of the local legal services programs. We also interviewed at random 1,260 poor persons in the communities to determine the type and extent of legal problems experienced, the nature of assistance obtained, the extent to which interviewees experienced problems which they did not recognize to be of a legal nature, and the level of awareness and use of free legal services available in the communities.

The interviews were conducted in welfare offices; Social Security Administration offices; local organizations oriented to the poor, such as community action agencies; and residences located in predominantly poor neighborhoods. While it was impractical to select respondents in a manner which would yield results that could be projected nationally, the questionnaire results are indicative of conditions existing in the communities we visited. The responses are summarized in appendix III.

We also reviewed applicable legislation, regulations, policies, and other related records and interviewed officials at Corporation headquarters in Washington, D.C., and at pertinent regional offices.

CHAPTER 2

COORDINATING RESOURCES FOR CIVIL LEGAL SERVICES

The Legal Services Corporation received appropriations of $125 million and $205 million for fiscal years 1977 and 1978, respectively, and is the primary provider of free civil legal services to the Nation's poor. An estimated $76 million was also available in 1977 for legal services to the poor from other sources and was distributed almost equally among Corporation- and non-Corporation-funded providers.

The Corporation entered into an agreement with the Administration on Aging (AOA)--which funds legal services for the elderly--to promote cooperative working relationships at the Federal, State, and local levels. The Corporation believes the agreement has been beneficial and has resulted in effective coordination at the local level.

The Corporation requires grantees to consider other sources of legal assistance in the area when establishing service priorities and relies on local projects to identify and coordinate activities with over 20 other major categorical Federal and non-Federal resource providers in their service areas. Corporation projects secured about $40.3 million from such providers in 1977, and an additional $35.7 million was available to projects not funded by the Corporation. Corporation projects had limited success in obtaining support from bar associations and private attorneys, and some were not aware of other providers and resources in the service area. Improved coordination is needed to ensure maximum use of all resources and efficient and effective delivery of free legal services to the poor.

RESOURCES AVAILABLE FROM NON-CORPORATION PROVIDERS

Based on responses to our national questionnaire, we estimated that an annual level of over $200 million was spent nationally on civil legal services for the poor during project fiscal periods ending in 1977. Of this amount about $76 million came from non-Corporation funding and was distributed among Corporation and non-Corporation providers as described below and in greater detail in appendix I.

	Federal	Non-Federal	Total
Corporation projects	$25,254,093	$15,076,234	$40,330,327
Non-Corporation projects	17,110,155	18,583,777	35,693,932
Total	$42,364,248	$33,660,011	$76,024,259

Federal funding of legal services from non-Corporation sources, which constitutes about 56 percent of non-Corporation resources, is provided by at least 7 Federal agencies involving at least 10 individual programs. Among Federal sources the primary funding agencies are the Department of Health, Education, and Welfare and the Department of Labor. Among non-Federal sources State and local governments and private charities were the most substantial providers of funds.

Corporation projects actively solicit outside resources with a fair measure of success, as evidenced by responses to our national questionnaire. However, most projects indicated that local bar associations provided little encouragement for financial support of project activities by private law firms and local governments, and over half of the projects responding to our questionnaire indicated that they actively solicited local assistance from attorneys and law firms. About 32 percent of Corporation projects responding to our questionnaire indicated that they had little or no success in obtaining assistance from attorneys and law firms, 37 percent had some success, 20 percent had moderate success, and 11 percent described the assistance as ranging from substantial to very large.

Of $76 million in non-Corporation resources available during 197[illegible] that was administered by Corporation and non-Corporation grantees, about $856,000--or about 1 percent of total funding from non-Corporation providers--constituted direct-funding support from bar associations to projects. Projects estimated that an additional $2.2 million in services was received from the bar, including attorney and paralegal support.

While some of the funds available from non-Corporation sources have qualifications on the target population or areas to be served, the funds are generally designated for the poor. For example, AOA funds under the Older Americans Act of 1965 (Public Law 89-73, as amended) can only be used for the elderly, and priority is given to those with the greatest economic and social needs--most Corporation projects emphasize the elderly poor. Funds for civil legal services under title XX authorized by the Social Security Amendments

of 1974 (Public Law 93-647, Jan. 4, 1975) can be applied quite broadly in the interests of the poor, whereas funds from the Community Development Block Grant program of the Department of Housing and Urban Development are allocated to areas based largely on the incidence of poverty.

Corporation projects responding to our questionnaire indicated that most other resources carried no restrictions on use: almost 80 percent of such funds had no limitations on the types of civil legal problems which could be handled and over 70 percent had no limitations on the clients who could be served other than being poor. About 13 percent of such funds were limited to geographic areas smaller than those served by the projects.

COORDINATION AMONG PROVIDERS OF CIVIL LEGAL SERVICES

The Corporation entered into an agreement with AOA in January 1977 designed to promote cooperative working relationships at the national level and encourage such relationships at the State and local levels between Corporation-funded providers and AOA-funded projects and agencies. The agreement was intended to maximize the capacity of AOA and the Corporation to provide access to legal services for the elderly and to encourage greater participation in such efforts by the private bar and law schools. Specific objectives were to increase (1) awareness by legal personnel of the concerns and problems of the elderly, (2) understanding by the elderly of their legal rights, (3) the number of legal personnel trained to serve and working on behalf of the elderly, (4) access of the elderly to existing legal services, and (5) the number of communities in which services are available. In implementing the objectives, AOA and the Corporation agreed to consider joint activities to avoid duplication of effort and maximize effective use of the resources of each organization.

The Corporation and AOA have found the agreement to be mutually beneficial, and the organizations are currently reviewing experience to date to determine whether the arrangement should be refined to more specifically guide future activities. Benefits of the agreement to date cited by the Corporation include close liaison at the headquarters level (two Corporation employees were detailed to AOA), effective use by the "aging network" of pertinent Corporation publications, and cooperative working arrangements among Corporation regional offices, local project personnel, and State aging agencies. In addition, the Corporation has funded

several projects, including studies, a seminar, and conferences, which have dealt with the type of legal problems frequently encountered by the elderly.

Of the Corporation-funded projects responding to our national questionnaire, 81, or 36 percent, indicated they knew of other resources for civil legal services in the area they served. Of those projects, 14, or about 17 percent, had no relationships with the other providers of resources. Analysis of responses to the questionnaire showed that there were non-Corporation-funded providers of civil legal services located in the same communities as 28 Corporation projects which indicated they knew of no other resources in the area. We were unable to identify any non-Corporation providers of legal services in the communities served by 116 Corporation projects which knew of no other resources in the area.

Two Corporation grantees visited located in urban areas have found it necessary to defer or deny services to potential clients due to staffing limitations. These projects were not aware of all providers of legal services in the area, and in some instances were unaware of the nature of services provided by sources they knew existed.

Knowledge by providers of free civil legal services of the existence and nature of all other resources and providers available in the community can improve the delivery of services to the poor, particularly where projects are overburdened with requests for assistance and could refer persons seeking services to other providers in the community in a timely manner rather than deferring or denying service.

EFFORTS TO USE OTHER AVAILABLE RESOURCES

Many Corporation grantees do not engage in comprehensive efforts to take advantage of resources available for free legal services from bar associations, private attorneys, and law schools and clinics.

Effective use of such resources would increase the capabilities of legal services providers to serve the poor.

Private attorneys and bar associations

The Corporation encourages support for free civil legal services from the private bar through active involvement, participation, and liaison with the organized bar and by distributing Corporation publications to private attorneys. The Corporation has also prepared a compilation identifying about 20 local bar associations across the Nation which provide free civil legal services to the poor.

Corporation grantee efforts to actively solicit free legal services to the poor from attorneys or law firms in the area have been limited. About 15 percent of the Corporation-funded projects responding to the national questionnaire indicated they engaged in little or no efforts to solicit free legal services from local attorneys or law firms, 34 percent engaged in some efforts, 28 percent described their efforts as moderate, and 23 percent indicated their efforts ranged from substantial to very large. About 28 percent of Corporation grantees responding to the questionnaire received about $1.2 million in funding or services from local bar associations, while 52 percent indicated the associations in the area provided little or no encouragement to attorneys to provide free services.

In one State we visited, only 2 of the 59 bar associations in the area served by a Corporation project provided organized free or reduced fee civil legal services to the poor. Of the nine Corporation grantees we visited, one indicated that local attorneys and law firms provide little or no free legal services, two said some services were provided, four described the services as moderate, and two indicated the attorneys and law firms in the area provided extensive services.

While private attorney participation in providing free services to the poor is generally not mandatory, the ABA Code of Professional Responsibility states in part:

> "The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in serving the disadvantaged."

In a statement before the 1977 ABA midwinter convention, a former ABA president said every lawyer should devote between 5 and 10 percent of his or her time to legal aid services. There are approximately 450,000 attorneys in the United States today--a potentially significant resource for free civil legal services to the poor.

In some areas, bar associations actively encourage volunteer services by private attorneys. For example, one city bar association with about 12,000 members requires each

of the attorneys participating in its lawyer referral plan to perform one pro bono (free) case annually; there were about 1,200 participants. In another area we visited, a local bar association had sent a letter to its members strongly suggesting that each one donate either 50 hours of pro bono services annually or the equivalent amount of money. The president of one State bar association has suggested that it sponsor legislation requiring the licensing bodies of medicine, dentistry, and law to mandate its members devote 40 hours annually to pro bono activity. In the latter case, the State bar intends to inform all local bar associations of the need for pro bono services and to develop a formal mechanism for implementing a systematic voluntary program.

In one large city, private attorneys were queried during a study sponsored by the local bar regarding interest in providing pro bono services. The responses indicated substantial individual interest and willingness to provide these services to low-income families. However, many of the attorneys queried had the impression that there was no need for their services, and the study indicated that some attorneys do not engage in such services because of the lack of a strong commitment by their firms to provide free legal services to the poor.

Increased effort by the Corporation and its grantees to enlist support from private bar associations could substantially increase the resources available for free civil legal services to the poor.

Law schools and clinics

The Corporation relies on its grantees to coordinate with law schools and law school clinical programs. These organizations comprise a potentially significant resource for the delivery of free legal services to poor persons.

There were seven law schools with programs which provide legal services to the poor in the areas served by five of the Corporation projects we visited. Two schools provided students for training purposes to the projects, and in three instances the schools periodically referred clients to the projects. However, none of the projects had established formal relationships with the schools for coordinating the delivery of legal services to the poor. In one area visited, a law clinic with five permanent staff attorneys and a director had an annual budget of $180,000 for fiscal year 1976--about 30 percent of which was designated for civil legal services. A total of 270 law students participated in the

program and performed various functions, such as interviewing potential clients, doing research, and representing persons at administrative hearings. While most of the civil clients served by the clinic were also eligible to be served by the Corporation grantee, no formal relationship had been established between the two organizations to coordinate activities or refer clients to each other.

Of the Corporation grantees responding to our questionnaire, 71, or about 30 percent, used law students as a resource. A Corporation grantee in one community visited used 60 law students as paralegals and believed more students could be used if attorneys were available to supervise them. Another project in the same community, not funded by the Corporation, used 10 law students as paralegals.

Most Corporation grantees who had developed relationships with law schools and law school clinics believed the arrangements were valuable. In such instances, both the grantees and officials of the organizations involved generally agreed that law students can effectively supplement project staff and that coordination of activities can result in more effective service to the poor.

CONCLUSIONS

Substantial resources exist for free legal services to the poor from Federal, State, and local sources in addition to those provided by the Corporation. Although the Corporation has entered into a cooperative agreement with AOA to enhance the delivery of services to the elderly, it relies principally on local projects' initiative to identify and coordinate their activities with other Federal and non-Federal resource providers. Corporation projects have been successful in obtaining substantial support from other providers, but have had limited success in efforts to obtain support from bar associations and private attorneys.

Some Corporation grantees were not aware of other providers and resources available in the service area. Improved coordination is needed--particularly where projects are overburdened with requests for services--to ensure maximum use of all potential resources and efficient and effective delivery of free legal services to the poor.

RECOMMENDATIONS

We recommend that the president of the Legal Services Corporation:

--Explore the potential for obtaining other national coordination agreements with Federal and non-Federal funding sources by using the experience gained through the cooperative arrangement with the Administration on Aging.

--Provide guidance to grantees for identifying and determining the nature of nonproject resources for civil legal services in their communities and for coordinating project efforts with other providers.

--Encourage grantees to seek support from local bar associations, law schools, and other potential resource providers that could expand available services to the community.

CORPORATION COMMENTS

The Legal Services Corporation agreed with our recommendations, noting that coordination among providers of legal services was being achieved. The Corporation recognized the vital importance of non-Corporation resources for the provision of legal assistance to the poor--particularly the private bar.

The Corporation indicated that most non-Corporation funding sources provide funds for a variety of purposes not limited to civil legal services for the poor and that some funds for legal services are not targeted for the poor. The non-Corporation funding estimates discussed on page 6 and depicted in more detail in appendix I were derived from the questionnaire responses wherein projects identified the amount of funds provided by the various sources for civil legal services. As also discussed on page 6, most non-Corporation programs which provide funds for civil legal services give priority to the economically disadvantaged, and non-Corporation funds available to Corporation projects responding to our questionnaire were predominantly for the poor.

The Corporation indicated that, because non-Corporation funding decisions are frequently made at State and local levels, legal services projects are often unable to reliably estimate future support from other sources. Corporation projects responding to our questionnaire predicted that about 60 percent of available non-Corporation funds would continue into succeeding budget years, while non-Corporation projects predicted that about 83 percent of available funding would continue into succeeding budget years

The Corporation noted that 25 percent of the potential clients we interviewed indicated they experienced at least one legal problem during the year, and estimated on that basis that more than 7 million legal problems were experienced annually by the Nation's poor. As discussed on page 4, our interviews were conducted in the communities we visited and, while indicative of conditions in those areas, did not yield results which could be projected nationally.

The Corporation pointed out that during the last year it has achieved increased coordination among the various providers of legal services, particularly as it has required increased communication and coordination with the bar associations where the legal services program is being expanded into previously unserved areas. The requirements do not apply to areas where services already exist.

The Corporation expressed some disappointment with the information obtained from Corporation and non-Corporation legal services providers because the data was a year old, some of the analyses were not as detailed as the Corporation would have liked, and because the Corporation felt some of the questions were difficult to understand. As depicted in appendix II, the questionnaire was extensive in coverage and required considerable time for the providers to complete and return. Also, considerable time was required to ensure full and accurate reporting of the responses. Ninety percent of the Corporation grantees and 62 percent of the other providers responded to the questionnaire, thus providing a high degree of statistical reliability. With few exceptions, each question was answered by most respondents. As agreed with the Corporation, we are making the basic data available for its use on more detailed analysis beneficial to its operating requirements.

CHAPTER 3

IDENTIFYING LEGAL SERVICE NEEDS IN THE COMMUNITY

The Corporation requires that clients comprise one-third of the governing boards of its projects and that its grantees establish service priorities and obtain the views of the client community in the process. The Corporation requires that such priorities consider the local legal needs of the poor in the community served, and relies on individual grantees to develop the method for estimating the needs of the poor and to determine the degree of client community involvement in the priority-setting process.

Few Corporation grantees responding to our national questionnaire and visited during the review have conducted or obtained current assessments of the local legal needs of the poor for the purpose of setting service priorities. The others developed priorities without a structured needs assessment process based on past demand and perceived needs of the community or had not developed priorities and accepted clients primarily on a first-come-first-served basis.

LOCAL NEEDS ASSESSMENTS AND SERVICE PRIORITIES

The Corporation requires grantees to establish priorities and include the client community in the process, but does not require its grantees to periodically assess the legal needs of the poor. Of the 249 Corporation projects responding to the national questionnaire, 45 indicated they had conducted or obtained needs assessments. Of the projects responding, 61 percent indicated they accept clients on a first-come-first-served basis of which almost half of the projects indicated that "first come, first served" was the sole criterion used.

Of the nine Corporation projects we visited, three had performed needs assessments. The directors of the other projects generally indicated that they set priorities based upon the projects' perceived needs of the community rather than on a structured assessment of needs.

Reasons cited by the Corporation for not assessing local legal needs include lack of time and a shortage of attorneys to perform assessments. However, we contacted 48 social service agencies in the communities visited, and 39 (80 percent) expressed a willingness to assist in performing community

needs assessments so that Corporation projects would be better able to develop appropriate priorities. There were social service agencies willing to assist the projects in the area served by each of the six grantees which had not performed needs assessments.

Two Corporation grantees visited have initiated innovative efforts to assess legal needs of the poor and develop service priorities with the involvement of the poverty community.

One statewide project, recognizing the importance of a positive relationship between staff attorneys and the client population, holds an annual 3-day conference with representatives of the client community to set case priorities based on expressed needs. During the conference, the previous year's activities and results are reviewed and evaluated.

Eligible clients hold meetings throughout the State prior to the conference to discuss and identify local needs and relative priorities. The community representatives present the views at the conference, and project attorneys establish work plans to implement the clients' priorities and identify the resources needed to accomplish the goals. A client committee meets regularly throughout the year to review the attorney work plans and time estimates to ensure proper implementation of the priorities. In December 1976, the committee reported that the grantee had made a significant change in 2 years from a staff-directed to a client-directed legal services program and that more clients are being served with better quality services.

An independent evaluation team reviewed and endorsed the project's priority-setting process and concluded that:

> "As a result of the process, the [project] enjoys the strong support and the enthusiastic participation of the client community. Not only does it offer clients the opportunity to have a substantial impact on the direction of the program, but it also constitutes a beneficial process for the attorneys in that it forces them to concentrate on focusing the limited resources of the [project] in the most efficient way."

Another Corporation grantee we visited had recently completed a limited client survey to assist it in setting service priorities and allocating resources based on the types of services needed. As part of its priority-setting process, it sent inquiry letters on needs to local social service organizations, client groups, bar associations, and numerous other local organizations. Also, criteria are established for special efforts based on the relative costs, potential for success, and anticipated impact of the effort on the client community. A peer review and client review process is used to identify and resolve repetitive client problems in a systematic manner.

In addition to the efforts of the two grantees, a bar association in a major urban center sponsored an extensive study involving interviews of a random sample of all eligible low-income families as a basis for legal needs assessments.

CORPORATION EFFORTS

In an April 26, 1978, report to the Chairman of the Senate Appropriations Subcommittee on State, Justice, Commerce, and the Judiciary (see p. 3), we recommended that the Corporation further define procedures to be used by grantees in establishing priority systems and provide for periodic evaluations of the systems. In June 1978 we met with Corporation officials to discuss the preliminary results of our review and noted the need for grantees to conduct or obtain current assessments of the local legal needs of the poor for the purpose of setting service priorities.

The Corporation proposed revisions to its regulations designed to insure that grantees adopt policies to recognize the views of eligible clients in establishing priorities for allocating resources. The proposed revisions were published in the Federal Register on July 28, 1978, and comments were requested by September 1978. The regulation would require Corporation projects to adopt procedures which will (1) provide for local legal needs assessments with community involvement, (2) insure that the client community participates in the development of a priority work plan for the project, and (3) provide for periodic reviews of grantee priorities, including the need to revise the priorities as a result of changes in project resources or in the size or needs of the eligible client population.

CONCLUSIONS

Few Corporation grantees have conducted or obtained assessments of the legal needs of the poor in the communities served for the purpose of establishing service priorities. Most developed priorities based on past demands and perceived needs of the community, or had not developed priorities and accepted clients primarily on a first-come-first-served basis.

The reason cited by the Corporation for not conducting periodic local needs assessments was insufficient time or resources. Most social service agencies contacted in the communities visited were willing to assist grantees in performing needs assessments, and two grantees visited had developed innovative approaches to assessing local needs with client community involvement.

Periodic local needs assessments by grantees would help assure that project priorities and resources are directed to the most prevalent problems in the community.

RECOMMENDATIONS

We recommend that the president of the Legal Services Corporation:

--Disseminate information to grantees regarding innovative approaches to assessing local legal needs.

--Provide guidance to grantees for performing periodic needs assessments that include participation of the poor in the community using methods compatible with grantee operating characteristics.

--Encourage grantees to seek assistance from social service agencies in assessing local needs.

CORPORATION COMMENTS

The Corporation agreed with our recommendations, noting the need to balance community legal needs assessments with available local project resources, and made the following observations.

The Corporation indicated that local programs regularly obtain information on local legal needs. It stated that it has been conducting a continuing series of training workshops and seminars to enhance local program capability and priority setting and is in the process of developing new grantee

reporting methods which will provide more uniform information to assist in the priority-setting process. The Corporation expects to implement the new reporting methods at all grantees by June 1979.

The Corporation indicated that formal legal needs surveys are often extremely expensive and time consuming. As discussed on page 14, social service agencies in the communities we visited were willing to assist local projects in assessing community legal needs, and some grantees have initiated innovative efforts to assess the legal needs of the poor and develop service priorities with the assistance of the poverty community.

CHAPTER 4

COMMUNITY LEGAL EDUCATION AND OUTREACH SERVICES

Community legal education and outreach by Corporation projects are essential to ensure an awareness of available legal services by all who are eligible and to provide functional knowledge on the ways such services can or cannot be used. Although federally funded legal services programs have existed for several years in each of the communities we visited, community awareness concerning civil legal rights and the availability of free legal services was limited.

The Corporation relies on grantees to determine whether to conduct community legal education and outreach programs, and most grantees visited provided limited community education. Projects responding to a recent Corporation survey indicated increased community legal education efforts were needed but limited resources prevented adequate expansion.

The Corporation became concerned that few of its 300 projects had found the time or resources to conduct legal education or outreach efforts, and initiated efforts to expand the knowledge of effective community legal education techniques among projects.

GRANTEE COMMUNITY LEGAL EDUCATION AND OUTREACH EFFORTS

Of 1,260 eligible poor persons we interviewed in the communities visited, about 60 percent were not aware that free legal services from Corporation projects and other providers were available in the community. Almost half of those who were aware learned of the project from friends rather than as a result of exposure to community legal education efforts. Less than 20 percent of the respondents, or about half of those aware that providers existed, knew the types of legal services offered. The rate of awareness varied significantly among the States and communities, ranging from 4.5 percent to 74 percent, and was generally lower in rural areas. Many who were unaware of the providers in the community had problems that could have been addressed by legal services programs.

Of the nine Corporation grantees visited, seven conducted limited or no community legal education and outreach efforts. Reasons cited by the grantees for not engaging in more community legal education activities included a lack of staffing and resources, concern that increased awareness by the poor would overload the project with requests for service, and

concern that educational programs would take away valuable time from the primary mission of providing legal services. Almost all grantees responding to a Corporation survey discussed on page 21 also cited lack of staffing and resources as reasons for limited community legal education efforts.

In one urban area the Corporation grantee responded to particular speaking requests by ethnic groups but did not ask a non-federally-funded provider that specialized in serving those groups to participate. In the same area, the local bar association occasionally placed spot information announcements on local radio shows concerning available legal services but, because it was unaware of other providers in the area, did not include all of the information which would have been useful to the client community.

Although projects indicated that underfunding and understaffing were the primary reasons for limited community legal education efforts, we visited one Corporation grantee which provided substantial civil legal education to the client community even though its funding level, relative to the poor population, was similar to the average for all Corporation-funded projects. The project offered

--legal education in the public schools for all children in kindergarten through the 12th grade;

--a library of taped information about the law and justice system which operates 24 hours daily and provides basic information concerning 55 areas of the law to any person calling a designated telephone number;

--several pamphlets in English and Spanish concerning various aspects of civil law which are mass distributed to areas of the county designated as poor; and

--a series of lectures before public schools, senior citizens groups, the local bar associations, and others regarding available legal services.

According to the project director, the success of the community education program on a limited budget resulted from proper planning, coordination, and cooperation with community groups, such as the county board of supervisors, the sheriff's department, department of education, and the local bar association.

While some project directors were concerned that expanded community education efforts could increase workloads, the director of the project described above stated that one of the primary objectives of a community education program is to enable potential clients to resolve or avoid some legal problems without the assistance of an attorney. In the director's opinion, a project can thereby expand service to the community without requiring a significant increase in attorney resources. At another project which was in the process of developing a community education program, the director expressed a similar view stating that the major objective was to provide information which would enable some potential clients to avoid or resolve problems on their own and thereby not require assistance from project attorneys.

Responses to the interviews indicated that the level of awareness of available legal services varied significantly among geographic locations, and those residing in rural areas were generally less aware of free legal services projects in their community than those residing in urban areas. However, respondents residing in the rural areas served by a statewide project which maintains close and continuing relationships with the client community reported the highest awareness levels--over 70 percent--of all communities visited. Community awareness was also generally higher in the area served by another grantee which operated a relatively extensive community education program.

CORPORATION EFFORTS

Recognizing the importance of and need for community legal education and outreach activities, the Corporation became concerned that few of its projects had found the time or money to conduct such efforts and initiated a survey to determine what projects were doing. About 30 projects responded to the survey describing ongoing or recent community education programs funded from both Corporation and non-Corporation resources. Twenty other projects indicated they were in the process of initiating new community education programs.

The responses described a number of innovative approaches being employed that would expand community knowledge of legal services. Some methods were being used to reduce demands on project attorneys' time by providing clients with direct information services through telephone law libraries and other educational media, including television, education programs in the schools, pamphlets, and lectures.

Using the responses to its survey, the Corporation compiled and disseminated a directory--which it plans to periodically update--describing the community education efforts and related costs of various projects. Almost all projects included in the directory indicated increased community education efforts were needed but that limited resources prevented adequate expansion of such activities.

To expand the knowledge of effective community education techniques to other projects, the Corporation also conducted a training session to apprise local projects of the methods. Initially, 60 projects expressed an interest in community education and 48 were chosen to participate in the Corporation's first course in June 1978. During the session, the Corporation distributed an interim guide--which it plans to expand--presenting the rationale for and procedures followed by some projects in implementing community education programs. The Corporation plans additional community education activities as interest and need is indicated.

CONCLUSIONS

Community legal education and outreach efforts by Corporation grantees have been limited by unavailability of staffing and resources, and concern over potential impact on demand for service. Knowledge of the availability of free legal services in the community varied significantly among geographic areas and was generally lower in rural areas. Community awareness of legal services projects and available services was generally higher in areas served by grantees with relatively extensive community education programs.

To alleviate imbalances in awareness and ensure equal access to legal services for the poor, increased community education and outreach efforts are needed. Improved community education efforts could enable the poor to resolve some potential legal problems without the services of an attorney, thereby enabling projects to deal with more complex problems and expand outreach efforts by Corporation projects.

RECOMMENDATIONS

We recommend that the president of the Legal Services Corporation:

--Expand training sessions on community legal education and require grantees to submit plans for addressing community education with their budget submissions.

--Provide individual projects with needed technical assistance in developing community legal education programs that are suitable to the client community they serve.

CORPORATION COMMENTS

The Corporation agreed with our recommendations and indicated that more than 100 (about one-third) of its grantees are currently conducting community education efforts.

APPENDIX IV

LEGAL SERVICES CORPORATION
733 Fifteenth Street, N.W., Washington, D. C. 20005 (202) 376-5100

Thomas Ehrlich
President
F. Clinton Bamberger, Jr.
Executive Vice-President

September 11, 1978

Mr. Gregory J. Ahart
Director
Human Resources Division
United States General Accounting Office
1200 Nineteenth Street, N.W.
Washington, D.C. 20548

Dear Mr. Ahart:

We welcome the opportunity to comment on the draft report prepared by your staff, entitled "Free Legal Services for the Poor - Delivery Can Be Improved Through Increased Coordination, Community Legal Education, and Outreach." The report addresses issues of primary concern to the Legal Services Corporation, and its findings and recommendations will aid us in our continuing efforts to improve the delivery of effective and efficient civil legal services to the poor.

You will recall that the Legal Services Corporation provided substantial support and assistance to the GAO effort to collect information on the resources available nationally for the provision of free civil legal assistance to the poor. It was our hope that your survey of the various types of legal services providers, both Corporation and non-Corporation sponsored, and potential clients, conducted in early 1977, would supply the Corporation and local grantees with valuable information for our efforts to deliver quality legal services to the poor. We are grateful that your survey results are finally available and provide a significant contribution to knowledge about legal assistance for low income persons.

Unfortunately, however, we must express some disappointment with the utility of the data displayed in the draft report. The report, for example, provides little information about the non-Corporation legal services providers surveyed. No description or analysis is offered regarding the types of non-Corporation organizations that provide legal services to the poor, or about the structural and operational differences among them. It would have been extremely useful, to cite one instance, to have some indication of the types of non-LSC programs that were most successful in securing financial support and assistance from the private bar.

BOARD OF DIRECTORS: Roger C. Cramton, Chairman, Ithaca, New York
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There are other problems with the survey instruments and data which limit the value of the information provided. Many of the survey questions are confusing and difficult to understand, making the reliability of the data somewhat questionable. Further, no indication is given about the statistical significance of the response to individual survey questions. Because of the high grantee response rate, valuable information is lost by not indicating which responses have statistical significance. In addition, much of the data is, by now, unfortunately, out of date. As you know, the Corporation and local grantees have undertaken significant new and expanded activities since 1977, making obsolete much of the information reported at that time.

Despite the problems with the survey data, the Legal Services Corporation found the recommendations in the report to be extremely useful, and compatible with our efforts to implement necessary changes and improvements in the provision of legal services to the poor. The following are some specific comments on each chapter of the report that will, we hope, provide additional insight on these important areas of concern.

Chapter II

The recommendations in this chapter relate to the need for improved LSC coordination of federal and non-federal funding sources to ensure maximum utilization of all resources for the economical and efficient delivery of legal services.

We appreciate the effort involved in the identification and quantification of resources from non-LSC sources. The report does not make clear, however, several important points essential to a full understanding of the availability and utility of non-LSC funding sources. First, the non-LSC funding sources identified are, for the most part, general purpose funds, not specifically targeted for civil legal assistance to the poor. Title XX funds, for example, are provided to States to assist them in funding many different types of social services. CETA funds are designed to alleviate unemployment among the disadvantaged through training and job placement, and as a result CETA personnel may be placed in a legal services program as one of many sponsors in a community. Funds under Title III of the Older Americans Act are available for several purposes, including legal services for the elderly. They are not, however, targeted for the elderly poor and may not be subject to income limitations.

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A second and related point is that decisions concerning the particular use of most funds identified are made at the state and local level, and are obviously subject to change with varying amounts of notice. It has been the experience of many legal services programs utilizing these funds that they often do not provide a reliable basis to support on-going legal services in the community.

The Corporation, on the other hand, certainly recognizes the vital importance of non-Corporation funds for the provision of legal assistance to the poor. We appreciate your recommendation that greater efforts can be made to encourage and identify othe. resources devoted to this purpose, particularly increased efforts to involve bar associations and private attorneys in the delivery of free legal services to the poor.

Based on the report data, more than 25 percent of the low-income persons interviewed believed they faced a problem during the year that required a lawyer's assistance. That totals more than 7 million legal problems annually for those living at or below poverty levels. Last year, legal services workers were able to handle approximately 20 percent of these matters. Obviously the bar and private practitioners have an essential role and contribution to make in this area.

A great deal of my time and that of our Office of Public Affairs is devoted to encouraging bar associations and their members to become involved in legal services. Through active involvement and participation with the American Bar Association, its Standing Committee on Legal Aid and Indigent Defendants, and its Special Committee on the Delivery of Legal Services, the National Bar Association, the National Conference of Bar Presidents, and many other organizations, we are devoting significant efforts to enlist the support of bar associations throughout the country.

Chapter II also calls for increased coordination among LSC and non-LSC providers of legal services. We certainly agree with the importance of that coordination, and are continuing to seek improvements in our efforts and those of local grantees. Program coordination to maximize resources and avoid duplication of activities is mandated by Corporation regulation Section 1620.2, which requires all grantees to establish priorities for the allocation of resources that take into consideration "the availability of another source of free or low cost legal assistance in a particular category of cases or matters."

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Further, our regional offices, through regular monitoring and evaluation visits, review the efforts of grantees to coordinate their services with other providers in the communities, including law schools and clinics. Greater coordination among the various providers in the communities has been achieved during the last year, particularly as we have required increased communication and coordination with the local bar associations in expansion areas.

Chapter III

The recommendations of this chapter are consistent with Section 1007(a)(2)(C) of the Legal Services Corporation Act of 1974, which calls for grantees to adopt procedures for determining and implementing priorities for the provision of legal services. The questionnaire in the report and the conclusions reached, preceded the development of the Corporation's Case Service Reports and the continuing series of training workshops and seminars designed to enhance local program capability in priority-setting.

Local legal services programs regularly obtain various types of information on the recognized legal needs of their client communities. In addition, the Corporation's Case Service Reports will provide more uniform information that will be of assistance to programs in the priority setting process. Further, the requirement that clients be represented on the governing bodies of local programs, and participate in the priority-setting process, helps to ensure that program priorities reflect the legal needs of the community.

Formal surveys of the legal needs in a community are often extremely expensive and time-consuming, however, as indicated by several grantees that have experimented with surveys and formalized needs-assessment mechanisms. In recognition of scarce resources, it is, therefore, important to strike a balance between assessing the needs for legal services in a community for effective planning purposes and the direct delivery of these vital services.

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Chapter IV

The recommendations in this chapter are entirely consistent with on-going efforts by the Corporation to assist grantees and clients in the development and implementation of community education and outreach programs. Increasingly, grantees are recognizing the need for such programs, as well as preventive measures. Priority-setting sessions held by local programs usually rank community education as one of the top five priorities. Currently, there are more than 100 grantees with on-going community education efforts.

As the report notes, the Corporation conducted a national training session in June 1978 attended by 48 grantees. On-going efforts include updating our directory of existing community education efforts, on-going client training, particularly with emphasis on client board members, and the development of resources, including technical assistance, to meet the upsurge in interest in community education.

* * * * *

In sum, we are grateful for the report and the thoughtful manner in which it was prepared and its recommendations presented. We are working as rapidly as possible -- in light of limited resources -- to carry out those recommendations. Much of that work has been underway for some time, but we are agreed that even more efforts are needed in the future.

Cordially,

Thomas Ehrlich

Thomas Ehrlich